

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

STEVEN BROWN,)	
)	
Plaintiff,)	No. 1:04-cv-523-SEB-JPG
)	
vs.)	
)	JURY DEMANDED
GMRI, INC. d/b/a THE OLIVE GARDEN,)	
)	
Defendant.)	

AGREED ORDER

The parties, by counsel, agree to the entry of the following order:

1. The parties agree to submit this matter for resolution under the Defendant's Dispute Resolution Procedure ("DRP") as explained or herein modified.

2. The parties may, but shall not be required to, submit the matter to non-binding mediation. If the matter is submitted to mediation, The Olive Garden will pay for the costs of the mediation including the fee to the American Arbitration Association and the mediator's fee, as provided in the DRP. The Olive Garden will not be responsible for the payment of Brown's attorney's fees or other out-of-pocket expenses.

3. If the parties do not agree to mediation, or if the mediation is not successful, the matter may be submitted to final and binding arbitration before the American Arbitration Association, as set forth in the DRP and herein. The Olive Garden will be responsible for costs of the arbitration including any fees owed to the American Arbitration Association and the arbitrator's fee. The Olive Garden will not be responsible for Brown's attorney's fees or other expenses incurred by Brown in connection with the arbitration process.

4. The arbitrator shall have the authority to set the discovery schedule. The parties shall cooperate in an attempt to complete discovery within 90 days from the date either party submits the case to arbitration. Both parties contemplate the service of discovery requests including interrogatories, requests for production of documents, and deposition requests. The parties shall respond to paper discovery requests within 20 days after service by fax or e-mail or 23 days after service by mail. As provided in the rules of the AAA, the discovery period may be extended by mutual request or in the discretion of the arbitrator, for good cause including, but not limited to, resolution of discovery disputes and delays occasioned by conflicts in the scheduling of deposition dates.

5. The arbitration shall be held in Indianapolis, Indiana, and the parties shall cooperate to schedule an arbitration hearing to start no later than 45 days following the completion of discovery or a ruling on any dispositive motions filed by the parties, whichever is later.

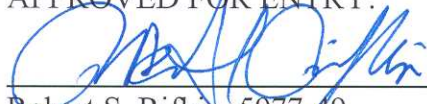
6. The arbitrator shall have authority to set arbitration hearing dates, to issue rulings on discovery and hearing matters, fashion appropriate remedies, and award damages and attorney's fees consistent with the provisions of Title VII of the Civil Rights Act of 1964, as amended.

7. The Olive Garden shall have the right to file a motion for summary judgment within 20 days of the close of discovery.

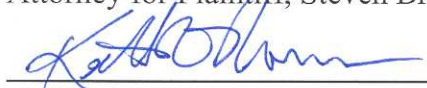
8. All other issues relating to the submission of this case to mediation and/or arbitration shall be governed by the DRP and the rules of the American Arbitration Association.

9. The case now pending in this court under Cause No. 1:04-cv-523-SEB-JPG shall be dismissed with prejudice. At the conclusion of any arbitration under the DRP, either party may file a motion with the Court to enforce or vacate the arbitrator's award, as the case may be.

APPROVED FOR ENTRY:



Robert S. Rifkin, 5977-49
Attorney for Plaintiff, Steven Brown



Keith R. Thomas, (*Pro Hac Vice*)
Attorney for Defendant, GMRI, Inc.,
d/b/a The Olive Garden

SO ORDERED THIS 13th day of October, 2004.



HONORABLE SARAH E. BARKER
UNITED STATES DISTRICT COURT JUDGE

DISTRIBUTION:

Robert S. Rifkin
MAURER RIFKIN & HILL, P.C.
11550 North Meridian Street, Suite 115
Carmel, Indiana 46032
E-mail: rrifkin@mrhlaw.com

Mitzi H. Martin
Edward E. Hollis
BAKER & DANIELS
300 North Meridian Street
Suite 2700
Indianapolis, Indiana 46204
E-mail: Edward.hollis@bakerd.com

Delaine R. Smith
Keith Thomas
FORD & HARRISON, LLP
6750 Poplar Avenue, Suite 600
Memphis, Tennessee 38138
E-mail: dsmith@fordharrison.com

dt: RSR/Brown/Agreed Order Final 100104